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Jurors Resume Efforts In Tafoya Trial Today

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FORT COLLINS — A jury of nine women and three men will resume deliberations today in the trial of Eugene Tafoya on charges of attempted murder and conspiracy. The jurors are sorting through a maze of testimony about the CIA and foreign intelligence operations in the case of the retired Green Beret, charged with shooting a Libyan student.

The case went to the Larimer County District Court jury Wednesday afternoon after District Attorney Stuart VanMeveren pictured Tafoya in his closing arguments as an experienced soldier who bungled what may have been his first job as a professional hit man.

Defense attorney Walter Gerash, as he has throughout, portrayed Tafoya in his closing statement to the jury as a highly decorated soldier and patriot abandoned by the CIA and "John," the first-name-only man Tafoya identified as his CIA contact.

"I don't think Tafoya's patriotism should be forgotten or that this soldier should be left out in the cold. And if John and the CIA have forgotten about Tafoya, will you?" Gerash asked the jury which will decide Tafoya's guilt or innocence.

The jury deliberated for about five hours Wednesday afternoon and evening in the heavily guarded Larimer County Courthouse, then adjourned for the night about 10:30 p.m. Deliberations are to resume at 9 a.m. today. Judge J. Robert Miller has sequestered the jury during deliberations, something he declined to do during the testimony phase of the trial, and the jurors



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Eugene Tafoya

spent the night at a local motel rather than returning to their homes.

Tafoya, 45, who lives in Truth or Consequences, N.M., is charged with attempted first-degree murder and conspiracy to commit murder. Both crimes are Class 2 felonies in Colorado, and conviction for a Class 2 felony calls for a prison term of eight to 12 years. A judge may, if he finds aggravating circumstances, impose a prison term of up to 24 years for conviction on a Class 2 felony.

For five weeks, Gerash and VanMeveren had clashed over what prompted the Oct. 14, 1980 shooting of Libyan dissident Faisal Zagallai, then a student at Colorado State University. Tafoya has acknowledged that he shot Zagallai. The question the jury has to decide is why.

Gerash contends Tafoya was de-

livering a message for the CIA when he went to Zagallai's Fort Collins apartment. But VanMeveren told the jury Wednesday Tafoya received an order to kill Zagallai, whom he called a "a critic of Libya and a critic of Libyan leader Moammar Khadafy."

VanMeveren said Zagallai was in fear for his life at the time that Tafoya, posing as a job recruiter, arrived at his apartment the night of the shooting. Zagallai was shot twice in the head, one bullet passing through his brain and resulting in blindness in one eye.

VanMeveren alleged that Tafoya "has close ties with Libya," and was there in the months before the shooting and within five days after Zagallai was shot at Fort Collins.

"He (Tafoya) has been called a soldier left out in the cold. The facts are that Tafoya was a retired military man looking for work with a foreign government to do subversive or counter-subversive work," said VanMeveren. "He may have been an experienced officer or soldier but that doesn't mean he is an experienced hit man. This may have been his first assignment."

As he had in his opening statement to the jury, Gerash returned to the theme that Zagallai was a disrupter of Middle East peace in whom the CIA would naturally have taken an interest.

At one point, Gerash, either in a high state of emotion or a display of theatrics, broke down and cried while reading a citation for heroism which Tafoya received for actions he took in Vietnam in October 1965.

Among the spectators as Gerash wept were Zagallai and his wife, Farida, who stayed for the lengthy

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closing arguments which began late Wednesday morning and concluded about five hours later. Both of them had testified during the trial, as had Tafoya.

Gerash contended that Zagallai's views of Middle East politics dovetailed perfectly with Tafoya's CIA-directed mission, which he said was to tell Zagallai to stop making broadcasts to the Middle East which were undermining peace between Egypt and Israel.

Tafoya had testified that he was involved with CIA missions while in Vietnam, and Gerash said Tafoya's CIA connection continued later when he met a CIA agent by the name of "John" who ordered him to go to Libya using as his "cover" employment with Ed Wilson, a former CIA operative now under indictment for illegally ship-

ping explosives to Libya.

CIA officials testified at the trial that Tafoya never worked for the agency, but acknowledged there might be circumstances in which the CIA would deny such employment.

Gerash, however, said Wednesday that working for the CIA may lead to a situation where a person is abandoned or "cut out" by the agency. Tafoya, he said, had been "cut out" after he had to shoot Zagallai in self-defense. He claimed Zagallai pulled a weapon after Tafoya delivered the CIA message, shooting him only after Zagallai prevented his escape by pulling him back into the apartment.

But VanMeveren scoffed at that version of the story, claiming that Zagallai was physically at the mercy of Tafoya. The prosecutor noted that Zagallai was several inches shorter than the former green Beret, and 60 pounds lighter.

As for Tafoya's claim that he worked for the CIA, VanMeveren said Tafoya had no CIA credentials, hadn't taken a loyalty oath in connection with CIA employment and couldn't remember the last name of his CIA contact "John."

The scene in Zagallai's apartment pitted a man of more than 20 years' military experience against a studious Libyan who was much smaller and suffering from a bad knee and elbow, the prosecutor said.

VanMeveren claimed that Tafoya had the situation well in hand at all times and admitted on the witness stand that Zagallai was "easy to control."

"The defendant controlled the entire situation," said VanMeveren. "There is no question there was a struggle. There is no question there was blood splattered all over the apartment. And there is no question whose blood that is."